

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRD DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HONOURABLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.13599 of 2004

Between:

G.Mutta Reddy, S/o.Bagi Reddy, 62 years,
R/o.4-19, Basavapur Village, Bikanur Mandal, Nizamabad District.

...PETITIONER

AND

1. The District Panchayat Officer, Nizamabad District.
2. The Village Secretary, Gram Panchayat Basavapur, Bikanur Mandal,
Nizamabad District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the 2nd respondent in issuing the notice dated 23.07.2004 directing the petitioner to close down the door at south side of his house bearing NO.4-19 Basavapur village of Bikanur Mandal, Nizamabad District, as illegal, arbitrary, malafide and against the principles of natural justice and consequently set-aside the same in the interest of justice.

Counsel for the Petitioner: MRCH.JANARDHAN REDDY

Counsel for the Respondents: SMT.JYOTHI ESWAR GOGINENI

The Court made the following:

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ORDER:

The impugned notice dated 23.07.2004 issued by the second respondent to the petitioner reads as under.

It is to inform that Sri Gowrigari Mutha Reddy, S/o.Bhaga Reddy, R/o.Baswapur, as per the District Panchayat Officer, Nizamabad, Proceedings ROC.No.1689/2002-B1(Pts), dated 26.12.2002, under section 139 of the A.P.Panchayat Raj Act, 1994, you have not obtained Gram Panchayat permission for your house door, due to which you instructed to close the door vide our letter dated 08.07.2004 and issued notice to you, the same you have acknowledged.

We have given 15 days time to close the door (i.e. dated 22.07.2004) but you have not close the door. The same informed to higher authorities concerned, and we once again given time for 15 days (fifteen days) issued letter on 06.08.2004, but you have failed to do so, under the higher authorities concerned/instructions we forcibly close the door with out workmen/staff/officials, employees, for this we incur any amount the same will be recovered from you. This is for your information.

It is not denied before this Court that though petitioner made an application on 28.11.2002 seeking permission to open the door on southern side of his house, no specific permission is granted. The petitioner however contends that as the second respondent called for objections by public notice dated 30.11.2002 and did not pass any orders, or his application for permission is not rejected, he on his liaison opened the door on the southern side. The petitioner, therefore, did not obtain any permission as contemplated under law. Therefore, I do not find any reason to interfere in this Writ Petition filed against the impugned notice, dated 23.07.2004. Liberty is however given to the petitioner to file an appeal before the first respondent under Section 128 of the A.P.Panchayat Raj Act, 1994, who is directed to dispose of the appeal, as and when the appeal is filed, within a period of four weeks from the date of filing such appeal, to enable the petitioner to obtain appropriate orders from the first respondent. There shall be *status quo* as on today for a period of three (3) weeks.

The Writ Petition is accordingly disposed of.

(V.V.S.RAO, J)

3rd August 2004

Note:

CC by 05.08.2004

B/O

RRB

Copies to:

1. The District Panchayat Officer, Nizamabad District.
2. The Village Secretary, Gram Panchayat Basavapur, Bikanur Mandal,
Nizamabad District.
3. Two CD copies.